

Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the above-referenced Office Action which was mailed on 10/31/03, the claims were objected to "because the lines are crowded too closely together making reading and entry of amendments difficult". Applicant believes that the claims as originally filed are printed on good quality paper and the claims are spaced 1.5 lines apart. Nevertheless, applicant with the present amendment is submitting the amended claims again in Section I, on good quality paper and spaced 1.5 lines apart, thereby obviating the Examiner's above-noted objection.

Next, claims 1-10 were rejected under 35 USC 101 as being directed to non-statutory subject matter, i.e. a mental process. In response to the above noted rejection, the noted claims have herein been amended to recite hardware items and functions of a computer system including storing customer-related information in a storage device and retrieving that information from said storage. As herein amended, claims 1-10 are now submitted to be allowable under 35 USC 101.

Next, claims 10 and 20 were rejected under 35 USC 112, second paragraph as being indefinite because there was no antecedent basis for "said crediting". Claims 10 and 20 have herein been amended to change the dependency of claims 10 and 20 to depend from claims 4 and 14, respectively, which include the recitation of the term "crediting" and provide the proper antecedent basis for that term in claims 10 and 20. As herein amended, claims 10 and 20 are submitted to be allowable under 35 USC 112, second paragraph.

Next, claims 1-2, 8-12 and 18-22 were rejected under 35 USC 102 as being anticipated by the Tsunenari Patent Application Publication US 2002/0013744 (hereinafter referred to as "Tsunenari"), and claims 3-7, 13-17 and 23-25 were rejected under 35 USC 103(a) as being unpatentable over Tsunenari in view of the Siegel Patent Application Publication US 2001/0032147 (hereinafter referred to as "Siegel"). The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims as required to place them in condition for allowance.

Tsunenari discloses a server system which effects the return of a consumer product. Although paragraphs 0013-0018 of Tsunenari are cited by the Examiner as disclosing "receiving an order", and "sending said item", it is noted that there is no mention in any of the cited paragraphs regarding the receiving of an order or the sending of an item. Rather, Tsunenari discloses a return system that does not necessarily involve a selling merchant at the front end but begins when a client sends a return notice to an independent agency. That is why the return agency must send one or more form pages to the client to gather client-related information. Tsunenari teaches, **as a necessary element**, the use of a network server **presenting to a client one or more form pages adapted to elicit consumer information** including an identification of the consumer product to be returned and an identification of the present location of the consumer product. The form pages are presented to the consumer after the server

receives a communication that the consumer wishes to return a product. Thus, a customer must first send notice to an agency server that the customer wishes to return a product and this request is then followed by the sending of "one or more form pages" back to the customer to be completed by the customer who then must again send the completed forms back to the returning agency server (and make further corrections as may be required by further communications) before the return process can continue. The present invention, by contrast, retrieves customer-related information that is already in storage at the server thereby obviating the need for the customer to complete "one or more form pages" and process at least two more communication transactions. The present invention thereby significantly accelerates and facilitates the return process by storing the customer-related information at a server site when a sale is made and having that information available at the server site for immediate retrieval if a return request is made by a customer.

The Siegel reference is similar to Tsunenari reference in that after a return request is made to a return agency, customer-related information must then be gathered before the return transaction can continue. **Both Tsunenari and Siegel actually teach away** from the present invention by requiring an extra step of gathering or eliciting several pages of customer-related information after a return request is received. This added processing and the additional transactions (at least two additional transactions) required for the implementation of the information-gathering function, significantly detracts from the acceptability, efficiency and timeliness of the return function. The present invention, on the other hand, stores the necessary customer-related information when the sale is made thereby avoiding the information gathering transactions and communications required by Tsunenari and Siegel.

As herein amended, all of the independent claims 1, 11 and 20 have been clarified to include the storing and retrieving operations in which the customer-related information is stored on a server when a sale is made and may be quickly retrieved from storage or memory when a return request is received from a customer. The initial storing and retrieving functions are not disclosed by either of the cited references and it is therefore believed that claims 1, 11 and 20 are allowable under 35 USC 102(e) and also under 35 USC 103(a) in view of the Tsunenari and Siegel references. The remaining dependent claims ultimately depend from and include all of the limitations of one of the independent claims 1, 11 or 20, and are therefore also submitted to be allowable over the cited references under 35 USC 102(e) and/or 35 USC 103(a).

Thus, it is submitted that claims 1-25, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert V. Wilder". The signature is stylized with a large, circular flourish at the end.

Robert V. Wilder (Tel: 512-246-8555)
Registration No. 26,352
Attorney for Applicants
4235 Kingsburg Drive
Round Rock, Texas 78681